



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 02-1031-A)

In re Application of:

Engel, et al.

Serial No.: 10/673,054

Filed: September 26, 2003

For: Cell Lysis Composition, Methods of Use,  
Apparatus, and Kit

Examiner: TBA

Group Art Unit: 1645

Confirmation No. 1228

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Information Disclosure Statement;
- b. U.S. PTO Form 1449 and copies of 26 references; and
- c. Return Receipt Postcard.

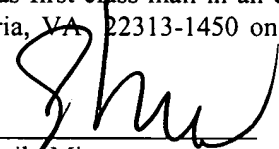
2. With respect to additional fees:

No fee is required.

3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25 day of March, 2004.

Date: March 25, 2004

By: 

Emily Miao  
Reg. No. 35,285

McDONNELL BOEHNNEN HULBERT & BERGHOFF LLP  
300 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606  
TELEPHONE (312) 913-0001  
FACSIMILE: (312) 913-0002



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 02-1031-A)

In re Application of:	)	
	)	
Engel, et al.	)	
	)	
Serial No.: 10/673,054	)	Examiner: TBA
	)	
Filed: September 26, 2003	)	Group Art Unit: 1645
	)	
For: Cell Lysis Composition, Methods of Use, Apparatus, and Kit	)	Confirmation No. 1228
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**


Sir:

In order to comply with discretionary regulations 37 CFR §§1.97 and 1.98, attached hereto is Form PTO-1449, copies<sup>1</sup> of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. Patroni, et al., U.S. Patent No. 4,797,474, issued January 10, 1989
2. Patroni, et al., U.S. Patent No. 4,992,531, issued February 12, 1991
3. Heath, U.S. Patent No. 5,973,137, issued October 26, 1999
4. Shultz, et al., U.S. Patent No. 5,981,235, issued November 9, 1999
5. Chu, et al., U.S. Patent No. 6,174,704 B1, issued January 16, 2001
6. Shay, et al., U.S. Patent No. 6,210,915 B1, issued April 3, 2001
7. Alam, U.S. Patent Application Publication No. US 2001/0034066 A1, published October 25, 2001

---

<sup>1</sup>To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to undersigned.

- 
8. Blakesley, et al., U.S. Patent Application Publication No. US 2002/0012982, published January 31, 2002
  9. WO 01/00668 A1, published on January 4, 2001
  10. WO 01/75147 A1, published on October 11, 2001
  11. WO 02/057478 A1, published on July 25, 2002
  12. WO 02/06456 A1, published on January 24, 2002
  13. EP 0 173 937 A2, published on March 12, 1986
  14. EP 0 222 725 B1, published on March 11, 1992
  15. EP 0 671 473 A1, published on September 13, 1995
  16. Product Description for n-Octyl-b-D-thioglucoside, <http://www.dojindo.com/newprod/1/cell-m/detergen/8sglu.html>, 2003.
  17. Novagen, Inc. Product Description for BugBuster® Extraction Reagent, 2002.
  18. Novagen, Inc. Product Description for His•Bind® Kits, 2002.
  19. Pierce Product Description and Instructions for B-PER® Bacterial Protein Extraction Reagent, 2001.
  20. Sigma-Aldrich Co. Product Description for Octyl-b-D-1-thioglucopyranoside, <http://www.sigmaaldrich.com/cgi-bin/hsrun/Distributed/Hahtshop/HahtShop.htx;start=frm>, 2003.
  21. Tomah Products, Inc. Product Description For Ethoxylated Amines, 1998.
  22. Fox, Charles, "Rationale For the Selection of Emulsifying Agents", *Cosmetics & Toiletries*, Vol. 101, 1986, pp. 25-44.
  23. Graciaa, A., et al., "A Study of the Required Hydrophile-Lipophile Balance for Emulsification", *Landmuir*, Vol. 5, 1989, pp. 1315-1318.
  24. Griffin, William C., "Calculation of HLB Values of Non-Ionic Surfactants", *Journal of the Society of Cosmetic Chemists*, Vol. 5, 1954, pp. 249-256.
  25. Griffin, William C., "Classification of Surface-Active Agents by "HLB", *Journal of the Society of Cosmetic Chemists*, Vol. 1, 1949, pp. 311-326
  26. Mörbe, et al., "Release of Miniantibodies from *E. Coli* Cells into the Supernatant at Low and High Cell Densities," *Microbiological Research*, Vol. 152, 1997, pp. 385-394.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited

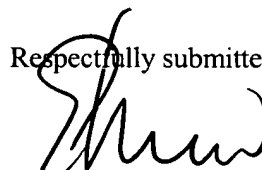
(including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Dated: March 25, 2004

Respectfully submitted,

  
\_\_\_\_\_  
Emily Miao  
Registration No. 35,285

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606  
Telephone: (312) 913-0001  
Facsimile: (312) 913-0002

02-1031-A

10/673,054

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Applicant: Engel, et al.

Filing Date:  
September 26, 2003

Group: 1645

## U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date
	1.	4,797,474	01/10/1989	Patroni, et al.	530	351	12/09/1986
	2.	4,992,531	02/12/1991	Patroni, et al.	530	351	06/13/1988
	3.	5,973,137	10/26/1999	Ellen M. Heath	536	25.4	06/02/1997
	4.	5,981,235	11/09/1999	Schultz, et al.	435	91.1	07/29/1996
	5.	6,174,704 B1	01/16/2001	Chu, et al.	435	69.1	12/23/1998
	6.	6,210,915 B1	04/03/2001	Shay, et al.	435	15	12/23/1998
	7.	US 2001/0034066 A1	10/25/2001	Aftab Alam	436	86	04/27/2001
	8.	US 2002/0012982	01/31/2002	Blakesley, et al.	435	183	07/13/2001

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No	
	9.	WO 01/00668 A1	01/04/2001					
	10.	WO 01/75147 A1	10/11/2001					
	11.	WO 02/057478 A1	07/25/2002					
	12.	WO 02/06456 A1	01/24/2002					
	13.	EP 0 173 937 A2	03/12/1986					
	14.	EP 0 222 725 B1	03/11/1992					
	15.	EP 0 671 473 A1	09/13/1995					


## OTHER DOCUMENTS - Including Author, Title, Date, Pertinent Pages, Etc.

	16.	Product Description for n-Octyl-b-D-thioglucoside, <a href="http://www.dojindo.com/newprod/1/cell-m/detergen/8sglu.html">http://www.dojindo.com/newprod/1/cell-m/detergen/8sglu.html</a> , 2003.
	17.	Novagen, Inc. Product Description for BugBuster® Extraction Reagent, 2002.
	18.	Novagen, Inc. Product Description for His•Bind® Kits, 2002.

Examiner

Date Considered

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with any communication.

Form RTO-1449	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 02-1031-A	Serial No. 10/673,054
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> 		Applicant: Engel, et al.	
		Filing Date: September 26, 2003	Group: 1645

	19.	Pierce Product Description and Instructions for B-PER® Bacterial Protein Extraction Reagent, 2001.
	20.	Sigma-Aldrich Co. Product Description for Octyl-b-D-1-thioglucopyranoside, <a href="http://www.sigmaaldrich.com/cgi-bin/hsrun/Distributed/Hahtshop/HahtShop.htx;start=frm">http://www.sigmaaldrich.com/cgi-bin/hsrun/Distributed/Hahtshop/HahtShop.htx;start=frm</a> , 2003.
	21.	Tomah Products, Inc. Product Description For Ethoxylated Amines, 1998.
	22.	Fox, Charles, "Rationale For the Selection of Emulsifying Agents", <i>Cosmetics &amp; Toiletries</i> , Vol. 101, 1986, pp. 25-44.
	23.	Graciaa, A., et al., "A Study of the Required Hydrophile-Lipophile Balance for Emulsification", <i>Landmuir</i> , Vol. 5, 1989, pp. 1315-1318.
	24.	Griffin, William C., "Calculation of HLB Values of Non-Ionic Surfactants", <i>Journal of the Society of Cosmetic Chemists</i> , Vol. 5, 1954, pp. 249-256.
	25.	Griffin, William C., "Classification of Surface-Active Agents by "HLB", <i>Journal of the Society of Cosmetic Chemists</i> , Vol. 1, 1949, pp. 311-326
	26.	Mörbe, et al., "Release of Miniantibodies from <i>E. Coli</i> Cells into the Supernatant at Low and High Cell Densities," <i>Microbiological Research</i> , Vol. 152, 1997, pp. 385-394.

Examiner	Date Considered
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with any communication.